

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:19CR828 HEA
)
CHARLES PEOPLES,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before this court on Defendant's Motion For Reconsideration Regarding Order Denying Reconsideration of Detention Order [Doc. #44]. The United States has filed a response [Doc. #53].

On October 24, 2019, the Pretrial Services Office issued a Bail Report recommending detention, finding that there was no condition or combination of conditions that could reasonably assure the Defendant's presence as required, or the safety of the community. [Doc. #12]. On October 28, 2019, the Defendant appeared with counsel for a detention hearing before Judge David D. Noce, United States Magistrate Judge, where arguments were heard from both parties. [Doc. #13].

On November 22, 2019, Judge Noce ordered the Defendant detained. [Doc. #23]. The Court based its Order on the Defendant's criminal history and the instant offense. The Court highlighted the fact that the Defendant was on federal supervised release prior to this incident, the Defendant petitioned this Court for early termination of his supervised release, and that early termination was recommended on July 24, 2019. The Court observed that the defendant's arrest for the underlying charges also took place on that same day, July 24, 2019. The Court further noted Defendant's statements to law enforcement on July 24, 2019, regarding his drug trafficking activity, including that he purchased between \$15,000 and \$20,000 worth of narcotics twice per

month for redistribution in the St. Louis area, despite the Defendant's petitioning for early termination of supervised release due to good behavior during this time period.

The Court ultimately found that the Defendant failed to rebut the statutory presumption favoring detention, and that even without the presumption, the safety of the community could not be ensured in the event of the Defendant's release.

On March 26, 2020, the Defendant filed a pro se motion seeking reconsideration of his detention order. [Doc. #37]. The Government filed its response in opposition on April 9, 2020. [Doc. #38]. On April 16, 2020, Judge Noce issued an order denying the Defendant's motion for reconsideration. [Doc. #39]. The Court reiterated the facts set forth in the original detention order, finding them relevant to the Defendant's motion for reconsideration. The Court noted that “[i]t is defendant's burden to produce new information that is ‘sufficient to overcome the key factors on which the initial order of detention was predicated.’” citing *United States v. Rush*, 2017 WL 6541436 at *3 (E. D. Mo. Dec. 1, 2017)). The Court found that the Defendant raised no information unknown to the Defendant at the time of the detention hearing, and that his factual allegations were insufficient to overcome the reasons behind his detention. [Doc. #39 at 3].

On April 30, 2020, the Defendant filed a pro se motion requesting this Court to revoke the Magistrate Judge's Detention Order. Doc. #40. The Defendant raised essentially the same grounds as he did in his original motion for consideration submitted to Judge Noce. On May 7, 2020, the Government filed its response in opposition. On May 8, 2020, this Court issued an order denying the Defendant's motion to revoke the Magistrate Judge's detention order. [Doc. #42].

On May 13, 2020, the Defendant filed the instant motion. [Doc. #44].

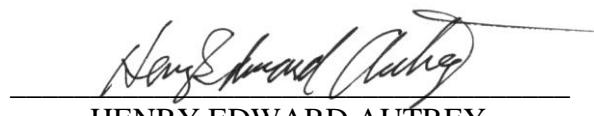
The court has fully reviewed the order of the magistrate judge and the information and recommendation of the Office of Pretrial Release. This court finds and concludes that the circumstances relating to the basis for detention have not changed and overall Defendant has failed to present any new and compelling evidence which would warrant the Court in acceding to his request. Defendants position is neither tenable nor credible. Defendant has failed to meet his

burden for reconsideration.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion [Doc. #44] is denied.

Dated this 25th day of June, 2020.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE